SINGLE BENCH (3)

C.S. 100/-

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P. No. 1163 / 2005

PETITIONER : Bhola Shanker Baid, S/o Late Shri Rameshwar Lal, Aged 50 years, R/o MIG-56, Tatiband, Raipur, District-Raipur (C.G.)

Versus

RESPONDENTS :

1) State of Chhattisgarh, Through the Secretary, Public Works Department, D.K.S. Bhawan, Raipur (C.G.)

2) The Superintending Engineer, Public Works Department (B/R) Circle, Raipur (CG).

3) The Executive Engineer, Public Works Department, (B/R) Mahasamund Division, Mahasamund (CG).

P.R. No. 1238/03 Presented in person dated 22-03-05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(28)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 1163/05 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

29.03.2005

Shri P. Diwakar, Sr. Advocate, with Shri P.R. Patankar, Advocate, for the petitioner.

Shri P.S. Koshy, Dy.A.G., for the respondents.

Application for urgent hearing is allowed.

Heard.

Learned counsel for the petitioner submitted that the tenders were invited vide Annexure-P/1 for collection of toll tax by the respondents. The petitioner was the successful bidder. He deposited the amount. He was also required to purchase the stamp vide Annexure-P/3. After he purchased the stamp, an agreement was entered into for the period 1/4/2005 to 31/3/2006. The letter dated 23/2/2005 (Annexure-P/4) was also issued specifying the amount to be deposited.

It is submitted that the petitioner made all arrangements and even the staff was appointed and he did not participate in any other auction, since the bid was awarded to him. It is further submitted that suddenly the order (Annexure-P/5) dated 5/3/2005 was received by him regarding cancellation of the agreement on the ground that the Government has taken a decision to withdraw Toll Tax from "Surangi Nala Pool" as cost of bridge has already been recovered.

It is contended that the cancellation of agreement is illegal and contrary to law. It is further contended that the petitioner submitted the representation (Annexure-P/7), which has been rejected without hearing him

(29)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 1163/05 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

vide Annexure-P/8. It is also contended that stamps were submitted and even to say that no loss has been incurred is not justified.

Having considered the arguments advanced, in the opinion of this Court, for the present, ends of justice will be served if a direction is given to the petitioner to make a detailed representation to respondent no.1 alongwith the copy of this petition with annexures and the copy of this order and the document regarding the loss sustained by him or such other documents within ten days and on such representation being made, the competent authority shall hear and decide the same on its own merits in accordance with law as early as possible positively within four weeks from the date of its receipt/production.

With the aforesaid observations, this petition stands disposed of.

Consequently, M.W.P. No.924/05 also stands disposed of.

Sd/-
Fakhruddin
Judge